

# Order

Michigan Supreme Court  
Lansing, Michigan

October 14, 2005

Clifford W. Taylor,  
Chief Justice

126121 & (51)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

NATIONAL WINE & SPIRITS, INC.,  
NWS MICHIGAN, INC., and  
NATIONAL WINE & SPIRITS, L.L.C.,  
Plaintiffs-Appellants,

v

SC: 126121  
COA: 243524  
Ingham CC: 02-000013-CZ

STATE OF MICHIGAN,  
Defendant-Appellee,

and

MICHIGAN BEER & WINE  
WHOLESALE ASSOCIATION,  
Intervening Defendant-Appellee.

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By order of December 27, 2004, the application for leave to appeal was held in abeyance pending the decision in *Granholt v Heald*, 541 US 1062; 124 S Ct 2389; 158 L Ed 2d 962 (2004). On order of the Court, the opinion having been issued on May 16, 2005, *Granholt v Heald*, 544 US \_\_; 125 S Ct 1885; 161 L Ed 2d 796 (2005), the application for leave to appeal the March 25, 2004 judgment of the Court of Appeals is again considered and, pursuant to MCR 7.302(G)(1), we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action permitted by MCR 7.302(G)(1). The parties may file supplemental briefs within 28 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in their application papers. The motion to strike is DENIED as moot.



s1010

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 14, 2005

*Corbin R. Davis*

Clerk